

UNCLASSIFIED

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2002/01/02 : CIA-RDP76M00527R000700060026-0

SECRET

P2 93. 380

ROUTING AND RECORD SHEET

SUBJECT: (Optional)

Family Educational Rights and Privacy Act of 1974

FROM:

Deputy Chief, DCD
912 Key Bldg.

EXTENSION

NO.

Olc 74-2380

DATE

12 November 1974

25X1A

TO: (Officer designation, room number, and building)

DATE

OFFICER'S INITIALS

RECEIVED FORWARDER

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1. OLC
Attn: [REDACTED]
7D-35 Hqs.

Don:

Attached is a copy of the news item in the University of Washington, at Seattle, ~~Daily~~ campus paper which I mentioned to you the other day. I think you will find it a very good summary of the new law. As we discussed, I am still firmly of the

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I urge that OLC insure that the Director is advised of the existence of this act, its provision and its implications in view of his responsibilities not only for CIA but for the entire Intelligence Community. The Agency, in addition to the rest of the Intelligence Community, now faces a problem of going directly against the law in trying to obtain access, under any guise, to student files at any age level and at any school level which is covered by ~~the~~ law, and that seems to be all inclusive, since practically every type of school and educational system receives and depends upon some federal funds. It seems quite clear that under the act, any activity in which any part of CIA or any other agency, attempts surreptitiously, without the consent of the student concerned, to obtain information from student files would be violating the law. This would be especially so if a person doing so is being paid in any way by CIA or another agency. Nothing in the

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Family Educational Rights and Privacy Act of 1974 (cont'd)

FROM:		EXTENSION	NO.		
		DATE			
		RECEIVED	FORWARDED	OFFICER'S INITIALS	COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)
1.					law makes any distinction between American or foreign nationals so that <u>all</u> students, regardless of nationality, are covered. I believe the DCI should call the attention of all Intelligence Community agencies to the facts and to advise the Community of the need for some kind of a standdown of some of its activities until legislative relief is obtained. All of the above is based on my belief that the act and its ramifications are of specific and direct concern to DCD because a flap on any campus or school level, whether caused by another component of CIA or any agency of the Intelligence Community, will reflect directly on DCD and probably cause further restrictions to be placed on our dealings with all things and people in the academic sphere. Please stay in touch with me on this vexing problem since it will not go away; it cannot be swept under the rug.
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Att: A/S

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C-31 Seattle, Washington, Wednesday, October 30, 1974

Goes into effect November 19 New law gives students control of their records

By STEVE MILETICH

University students will soon be able to examine their school records and exert more control over their use and distribution when a new federal law goes into effect next month.

Presently, the University has no formal policy on the rights of students in the area of school records. This has resulted in different policies being established in individual University departments; some have allowed easy access to personal records while others have been more restrictive in the release of data.

These policy discrepancies will soon be erased when a new federal law — the Family Educational Rights and Privacy Act of 1974 — goes into effect on Nov. 19.

Under the act, no institution of higher education will be granted federal monies if it has a policy which denies or prevents students from inspecting and reviewing all material that has been placed in a student's cumulative record.

When the law goes into effect, the University will have 45 days to respond to a student's request for information. If the University refuses access to a student, then the University will stand to lose millions of dollars in federal funds.

Open to examination will be such things as academic data, attendance records, scores on aptitude, standardized and psychological tests, teacher and counselor evaluations and results of mental and psychiatric examinations.

Also, outside access to this information would become more tightly controlled by students under the new law.

Anyone who desired to see a student's record would have to submit a written request to the University stating why they wanted it.

Then, before the University could release the information, it would have to receive written permission from the student whose file was being requested.

Finally, if a student approved the release of information to a third party, that third party, under penalty of law, would not be allowed to release the information to anyone else.

In addition, anyone who reads a student's record will be required by law to leave a note in the file saying when and why the file was examined.

Also incorporated in the law is a provision that will allow students to challenge any material in their records that they consider to be false, erroneous or irrelevant. Students will also be allowed to request that information be added to their files.

The Department of Health, Education and Welfare (DHEW) will handle student complaints and requests.

Still unanswered, though, is the question of who will handle the release of school records. It still has not been determined whether the distribution of information will be handled by a "central records department" or by individual departments of the University.

This question was discussed at a meeting of President John Hogness's staff yesterday, but the details of the discussion are not known.

Currently, the University Administration is waiting for an interpretation by DHEW of what is "releasable" material. The administration hopes that the interpretations will be strict so the University will not have to release to students materials they consider to be "confidential."

Along this line, the Administration hopes they can bolster their efforts to refuse release of certain information by invoking a "grandfather clause," which may be added to the law.

A "grandfather clause" would prevent the release of material that was written by people who thought their

remarks would never be seen by students, and it would also give the University the right to deny access to psychiatric records.

Currently, Senator James Buckley of New York is working to add such an amendment to the new law that would allow for these restrictions. The University Administration supports Buckley's proposal and hopes that it will be instituted before the Nov. 19 deadline.

Ken Friedman, president of the graduate and professional student senate, is worried about the proposed changes. Friedman said that he hopes DHEW will say that the law provides for "total access" by students.

Friedman added he is writing Buckley urging that if a

grandfather clause is enacted, it should be subject to strict conditions.

Friedman wants the University to document why personal data should not be released before it invokes any grandfather clause to deny access to information.

Also of concern to Friedman is the fact that the Administration has not allowed for any student input on the procedure and policies the University will establish once the act goes into effect.

"I think that before the University designs its procedures they should consult with students," Friedman said, explaining that "so far there has been no attempt" by the Administration to meet with students.